

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

IN RE MERCK & CO., INC. SECURITIES, DERIVATIVE & "ERISA" LITIGATION
THIS DOCUMENT RELATES TO: THE CONSOLIDATED SECURITIES ACTION

MDL No. 1658 (SRC)

Case No. 2:05-CV-01151-SRC-CLW ✓

Case No. 2:05-CV-02367-SRC-CLW

**STIPULATED ORDER OF DISMISSAL WITH PREJUDICE**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), upon the stipulation of Plaintiff Rhoda Kanter and Defendants, by and through their respective counsel, Plaintiff Kanter's claims asserted in the Corrected Consolidated Fifth Amended Class Action Complaint and her individual action, *Kanter v. Merck & Co., Inc., et al.*, No. 04-5359 (D.N.J.), including Plaintiff Kanter's Section 11, 12(a)(2) and 15 claims under the Securities Act of 1933 against Defendants Merck & Co., Inc., Raymond V. Gilmartin, Dr. Edward Scolnick, Richard C. Henriques, Judy C. Lewent, Lawrence A. Bossidy, William G. Bowen, Johnetta B. Cole, Niall FitzGerald, William B. Harrison, William N. Kelley, Heidi G. Miller, Thomas E. Shenk, Anne M. Tatlock, and Samuel O. Thier, are hereby DISMISSED, with prejudice, with each side to bear its own costs and attorneys' fees.

Nothing in this Stipulation and Order has dismissed, or shall be deemed to have dismissed, the claims of the Lead Plaintiffs brought pursuant to the Securities Exchange Act of 1934 in this consolidated securities action.

**STIPULATED AND AGREED:**

Dated: October \_\_\_\_, 2012

**CRAVATH, SWAINE & MOORE LLP**

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Wold-Olsen, Lawrence A. Bossidy, William G.  
Bowen, Johnnetta B. Cole, Niall FitzGerald,  
William B. Harrison, Jr., William N. Kelley,  
Heidi G. Miller, Thomas E. Shenk, Anne M.  
Tatlock and Samuel O. Thier*

Dated: October \_\_\_\_, 2012

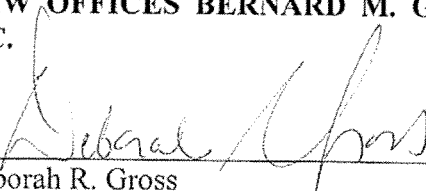
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Dated: October 18, 2012

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*Counsel for Plaintiff Rhoda Kanter*

**STIPULATED AND AGREED:**

Dated: October 24, 2012

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William B. Harrison, Jr., William N. Kelley,  
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Dated: October 24, 2012

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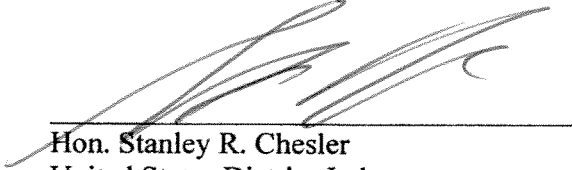
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*Counsel for Plaintiff Rhoda Kanter*

SO ORDERED this 13 day of <sup>March 2013</sup>~~October, 2012~~.

  
\_\_\_\_\_  
Hon. Stanley R. Chesler  
United States District Judge